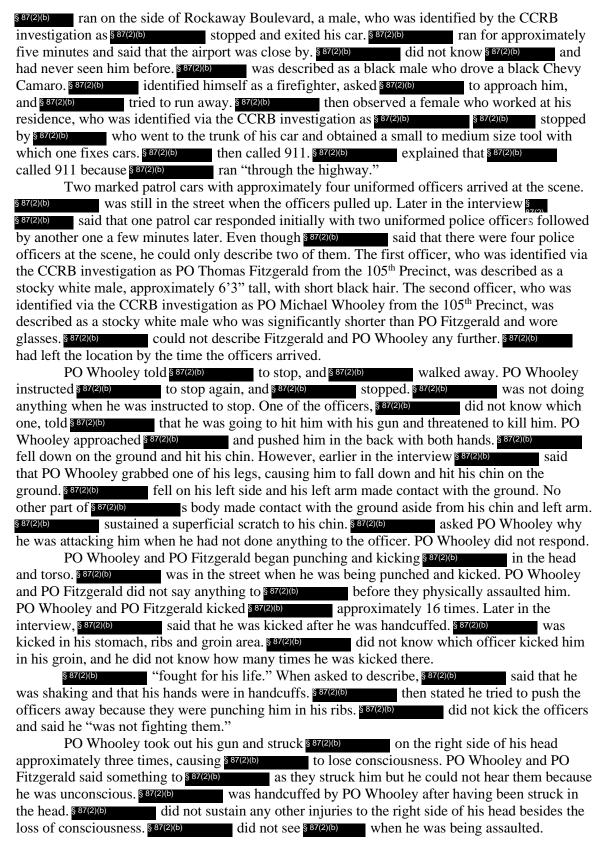
CCRB INVESTIGATIVE RECOMMENDATION

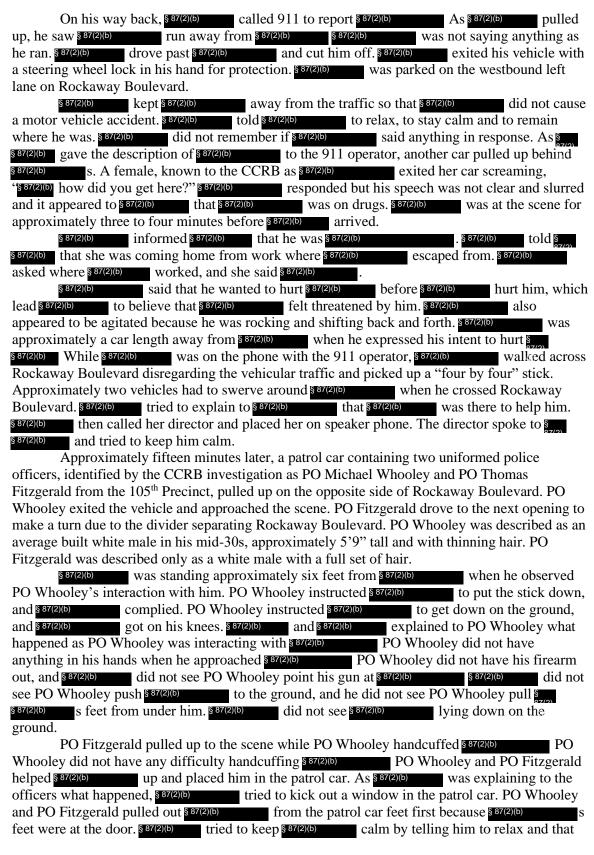
Investigator:		Team:	CCRB Case #:	V	Force		Discourt.	U.S.
Stanislav Sazonov		Team # 4	201307968	 ☑	Abuse		O.L.	✓ Injury
Incident Date(s)		Location of Incident:		F	Precinct:	18	Mo. SOL	EO SOL
Monday, 08/12/2013 12:01 AM		Rockaway Boulevard a Boulevard	and Guy R. Brewer		105	2.	/12/2015	2/12/2015
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rec	eived at CCI	RB
Thu, 08/29/2013 12:59 PM		CCRB	Call Processing System		Thu, 08/29	0/201	3 12:59 PM	:
Complainant/Victim	Type	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Thomas Fitzgerald	15621	944061	105 PCT					
2. POM Michael Whooley	06036	943951	105 PCT					
3. An officer			105 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Christophe Noll	02470	948110	105 PCT					
2. SGT Jennifer Limage	00907	934658	105 PCT					
Officer(s)	Allegatio	on			Inve	stiga	ator Recon	nmendation
A. An officer	Abuse: A the use o	An officer threatened § 870 f force.	2)(b)	wit	h			
B.POM Michael Whooley	Force: P(§ 87(2)(b)	O Michael Whooley use	d physical force aga	inst				
C.POM Thomas Fitzgerald	Force: P(§ 87(2)(b)	O Thomas Fitzgerald use	ed physical force aga	ains	t			
D.POM Michael Whooley	Force: Powith a gu	O Michael Whooley stru nn.	lck ^{§ 87(2)(b)}					

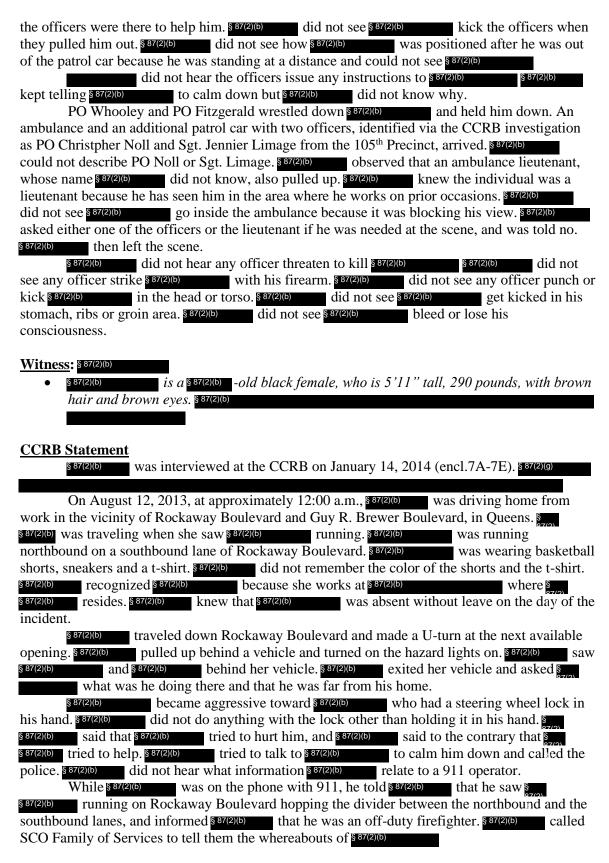
<u>Case Summary</u>
On August 29, 2013, § 87(2)(b) § 87(2)(b)
, filed this complaint on behalf of \$87(2)(b) who is a resident at
, via the Call Processing System (CPS) (encl. 4A-4C). §87(2)(b) did
not witness the incident.
On August 12, 2013, at approximately 12:00 a.m., \$87(2)(b) was stopped by FDNY
firefighter § 87(2)(b) in the vicinity of Rockaway Boulevard and Guy R. Brewer Boulevard,
in Queens. PO Michael Whooley, PO Thomas Fitzgerald, PO Christopher Noll and Sgt. Jennifer
Limage from the 105 th Precinct responded. The following allegations resulted:
• Allegation A – Abuse of Authority: An officer threatened §87(2)(b) with
the use of force.
§ 87(2)(g)
• Allegation B – Force: PO Michael Whooley used physical force against § 87(2)(6)
Allegation C – Force: PO Thomas Fitzgerald used physical force against
§ 87(2)(b)
§ 87(2)(g)
• Allegation D – Force: PO Michael Whooley struck § 87(2)(b) with a gun.
§87(2)(g) With a gain.
This case was not eligible for mediation.
§ 87(2)(g)
Results of Investigation
2100 WIND OF 2111 CONQUESTOR
Civilian Statements
Olymun Statements
Victim: § 87(2)(b)
• §87(2)(b) is an §87(2)(b) -old black male, 6'2" tall, 175 pounds, with black
hair and brown eyes. § 87(2)(b)
nuir unu brown cycs. 53 CAP
CCRB Statement:
§ 87(2)(b) was interviewed on October 22, 2013, at § 87(2)(b)
(encl. 6A-6F). On August 12, 2013, at approximately 12:00 a.m., §87(2)(b) went absent without
leave from , and ran in the
direction of Rockaway Boulevard and Guy R. Brewer Boulevard, in Queens. While
Page 2



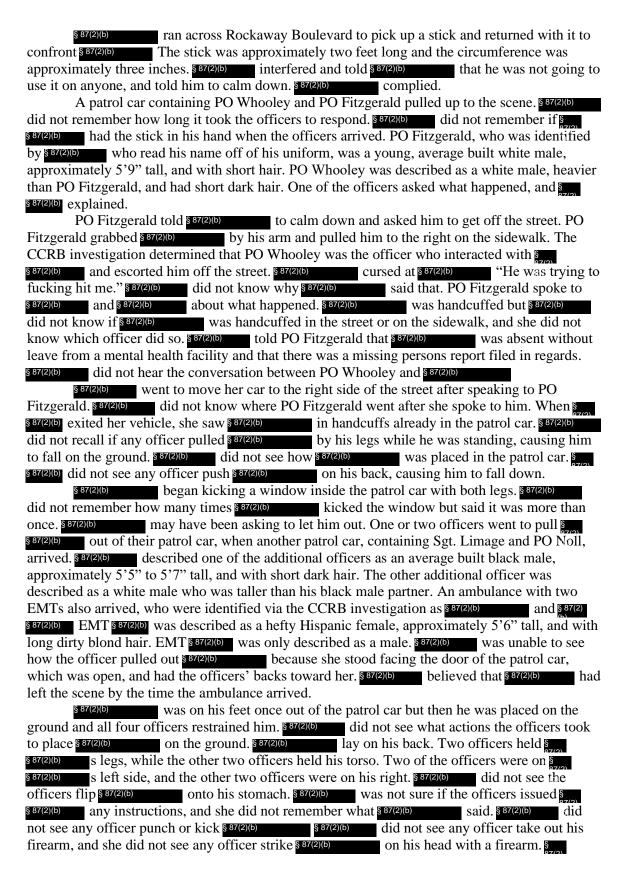
Page 3 CCRB Case # 201307968

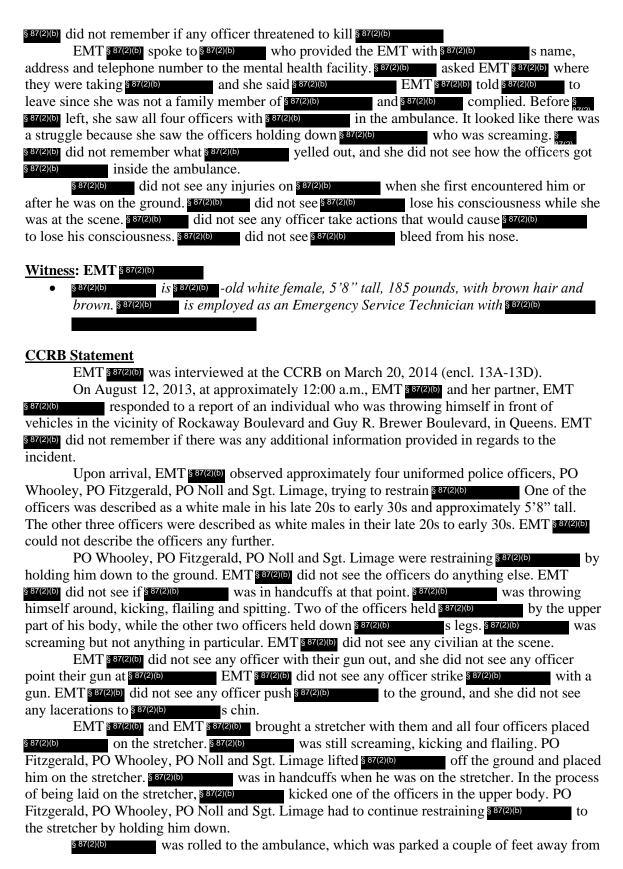
was placed in the patrol car. He did not know who placed him there or why he was placed there. Approximately ten minutes later about three additional officers, PO1, PO2 and PO3, arrived in patrol cars. PO1 was described as stocky black male who was shorter than PO Whooley and had short black hair. [597(2)(5)] then changed his statement and said that he was on the ground unconscious in handcuffs when the additional officers arrived. [527(2)(5)] could not describe PO2 or PO3. The CCRB investigation determined that one patrol car containing Sgt. Jennifer Limage and Christopher Noll from the 105th Precinct were the only additional officers who responded to the scene.
An ambulance also arrived and \$87(2)(b) was placed in the ambulance from the patrol car. \$87(2)(b) did not know who placed him in the ambulance. PO Fitzgerald punched in the head and twice in the nose while inside the ambulance, causing his nose to bleed. An EMT, who was identified by the CCRB investigation as \$87(2)(b) witnessed the punches but did not say anything. EMT \$87(2)(b) was described as a slim white female with long hair and a little shorter than PO Fitzgerald. EMT \$87(2)(b) was sitting in the back of the ambulance when she witnessed PO Fitzgerald's punches. \$87(2)(b) did not see any civilians at the scene at that point.
stated that after he lost consciousness, he awakened at a hospital. could not respond to anyone because he was "out of it." strength could not respond to anyone because he was "out of it." strength could not respond to anyone because he was "out of it." strength could not respond to anyone because he was "out of it." strength could not respond to anyone because he was "out of it." strength could not respond to anyone because he was "out of it." strength could not unable to move. However, earlier in the interview strength could not he was assaulted in the ambulance. When asked how strength could not consciousness. strength could not he was assaulted in the ambulance. When asked how strength could not have any interaction with strength not
Witness: \$87(2)(b) • \$87(2)(b)
CCRB Statement S87(2)(b) provided a telephone statement on February 19, 2014, and was interviewed at the CCRB on February 28, 2014 (encl. 11A-12E). S87(2)(9)
On August 12, 2013, at approximately 12:00 a.m., \$87(2)(b) was driving home at approximately 50 miles per hour in the vicinity of Rockaway Boulevard and Guy R. Brewer Boulevard, in Queens. It was dark outside when he saw a white shirt emerge from the dark. \$87(2)(b) saw that it was an individual, known to the CCRB as \$87(2)(b) running toward his vehicle. \$87(2)(b) swerved his car to the right to avoid collision. \$87(2)(b) was very close to his vehicle because \$87(2)(b) would have struck \$87(2)(b) had he not swerved. \$87(2)(b) proceeded to drive away and saw in the rear view mirror \$87(2)(b) show him the middle finger. \$87(2)(b) s actions led \$87(2)(b) to believe that \$87(2)(b) was high on drugs, and \$87(2)(b) made a U-turn to try to help \$87(2)(b)



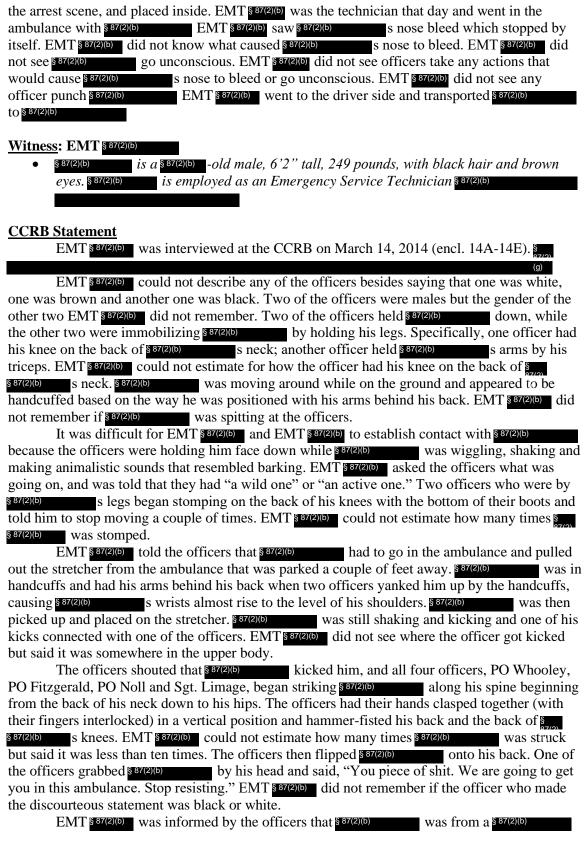


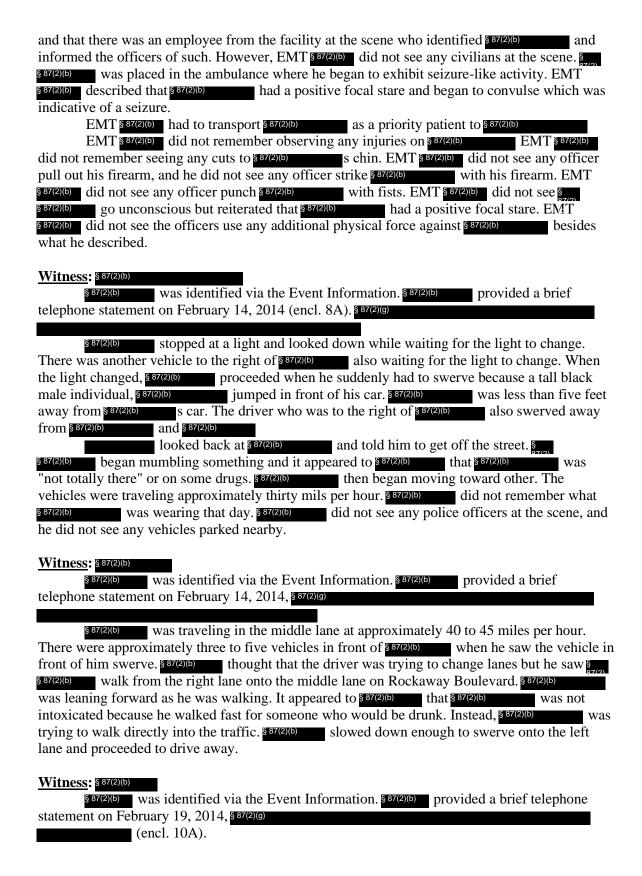
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Civilians Not Interviewed

was identified as the driver of the vehicle occupied by \$87(2)(b)

However, she was not contacted by the investigation because \$87(2)(b) stated that they drove away before officers responded to the scene.

NYPD Statements:

Subject Officer: PO MICHAEL WHOOLEY

- PO Michael Whooley is a \$87(2)(b) -old white male, 5'10" tall, 190 pounds, with brown hair and brown eyes.
- PO Whooley is assigned to the 105th Precinct. On August 12, 2013, PO Whooley worked in uniform from 11:15 p.m. to 7:50 a.m. with PO Thomas Fitzgerald. The officers were assigned to patrol Sector E/F in marked RMP 4421.

Memo Book Entries

PO Whooley recorded in his memo book that on August 12, 2013, at 12:00 a.m., he responded to a report of an emotionally disturbed person (EDP) at the corner of Rockaway Boulevard and Guy R. Brewer Boulevard. At 12:20 a.m., PO Whooley escorted EMS to \$87(2)(5) At 12:50 a.m., the EDP was removed to the hospital. At 1:00 a.m., the incident was finalized as unfounded. (encl. 15A-15C).

CCRB Statement

PO Whooley was interviewed at the CCRB on June 27, 2014 (encl. 15D-15F). On August 12, 2013, at approximately 12:00 a.m., PO Whooley and his partner, PO Michael Fitzgerald both from the 105th Precinct, responded to multiple calls regarding an emotionally disturbed person, known to the CCRB as \$87(2)(b) in the vicinity of Rockaway Boulevard and Guy R. Brewer Boulevard, in Queens. The callers reported to 911 something to the effect of § 87(2)(b) tried to stop the traffic in the middle of the road or run into cars. Upon arrival at the scene, PO Whooley observed §87(2)(b) standing in the middle of the street. There was a female, known to the CCRB as \$87(2)(b) and a male, known to who were also at the scene interacting with § 87(2)(b) Whooley did not remember what §87(2)(b) and §87(2)(b) told § 87(2)(b) PO Whooley did not see § 87(2)(b) with a stick or threaten anyone with a stick. PO Whooley did not see § 37(2)(b) have anything in his hands either. PO Whooley did not draw his gun, and he did not remember PO Fitzgerald doing so. PO Whooley did not push [847(2)[6] on his back, causing §87(2)(b) to fall down. PO Whooley did not pull §87(2)(b) from under him, causing \$87(2)(b) to fall down. PO Whooley did not remember if had any injuries when he first observed him, and PO Whooley did not remember if complained of injuries. informed the officers that § 87(2)(b) had escaped for a \$87(2)(b) § 87(2)(b) told the officers that §87(2)(b) tried to jump in front of his vehicle. § 87(2)(b) was making statements but they did not make sense. § 87(2)(b) at times tried to walk away and at times run away from the officers, PO Whooley instructed to turn around and place his hands behind his back. § 87(2)(6) complied and PO Whooley handcuffed him. § 87(2)(b) was handcuffed standing up. PO Fitzgerald did not assist PO Whooley with handcuffing § 87(2)(b) was not placed on the ground prior to being handcuffed. was then placed in the police vehicle for his safety but §87(2)(b) resisted by pulling away. PO Whooley and PO Fitzgerald were able to place §87(2)(b) inside

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their vehicle and closed the door despite § 87(2)(b) s resistance. PO Whooley called for an ambulance and one was dispatched to the location. Approximately one minute after being placed in the police vehicle §87(2)(b) kicking the windows in the vehicle. \$37(2)(5) said something but PO Whooley could not understand him. PO Whooley and PO Fitzgerald pulled \$87(2)(b) out of their vehicle. PO Whooley did not remember on which side of the vehicle they were standing. PO Whooley grabbed § 87(2)(b) s upper body in order to pull him out of the vehicle. PO Whooley did not remember where in the body PO Fitzgerald grabbed § 87(2)(6) and he did not remember if they were on the same side of the vehicle when pulling §87(2)(b) out. PO Whooley did not remember how § 87(2)(b) was positioned once he was pulled out of the vehicle. § 87(2)(b) continued pulling away from the officers. PO Whooley did not remember if § 87(2)(b) was placed on the ground once he was pulled out of the vehicle. PO Whooley denied punching § 87(2)(b) upon pulling him out of the vehicle, and he did not see his partner do so. PO Whooley did not use any other force against §87(2)(b) and he did not see PO Fitzgerald do so. § 87(2)(b) continued trying to pull away from the officers, while they held him in one place. PO Whooley then said that § 87(2)(b) was at one point on the was kicking but PO ground but did not remember how he was brought down. §87(2)(b) Whooley did not remember if he was kicked. PO Wholley used his hands to hold \$87(2)(b) in place but did not remember where in the body he held 37(2)(b) PO Whooley did not punch or kick § 87(2)(b) in the head, torso, stomach, ribs or groin area, and he did not see PO Fitzgerald do so. PO Whooley did not stomp on the back of \$37(2)(b) sknee, and he did not see any officer do so. PO Whooley did not yank \$37(2)(b) by the handcuffs in order to stand him up, and he did not see any officer do so. PO Whooley and PO Fitzgerald were issuing \$87(2)(b) instructions but PO Whooley did not remember the specifics. PO Whooley did not remember if § 87(2)(6) said anything to either § 87(2)(b) or the officers. PO Whooley did not strike § 87(2)(b) with his gun, and he did not see PO Fitzgerald do so. At some point an additional vehicle responded with Sgt. Limage and PO Noll. PO Whooley did not see Sgt. Limage and PO Noll punch, kick or strike § 87(2)(b) When the ambulance arrived, PO Noll and Sgt. Limage helped bring §87(2)(b) the ambulance. § 87(2)(b) continued pulling away from the officers and was strapped with kick any officer while he was on Velcro to the stretcher. PO Whooley did not see § 87(2)(b) the stretcher, and he did not hear any officer say that \$87(2)(b) kicked him. PO Whooley did not strike § 87(2)(b) along his spine, and he did not see any officer do so. PO Whooley did not know if § 87(2)(b) ever was unconscious. PO Whooley did not punch § 87(2)(b) inside the ambulance and he did not see any officer do so. PO Whooley did not tell "You are a piece of shit," and he did not hear any officer do so. EMT \$87(2)(b) told the officers when they were inside the ambulance that \$87(2)(b) was possibly having a seizure. PO Whooley did not remember if §87(2)(b) was informed that she was supposed to follow the EMT to the hospital either by him or PO Fitzgerald but she did not. PO Whooley did not use any additional physical force against §87(2)(b) what he described, and he did not see any officer do so. PO Whooley did not use any profanity during this incident, and he did not hear any officer do so.

Subject Officer: PO THOMAS FITZGERALD

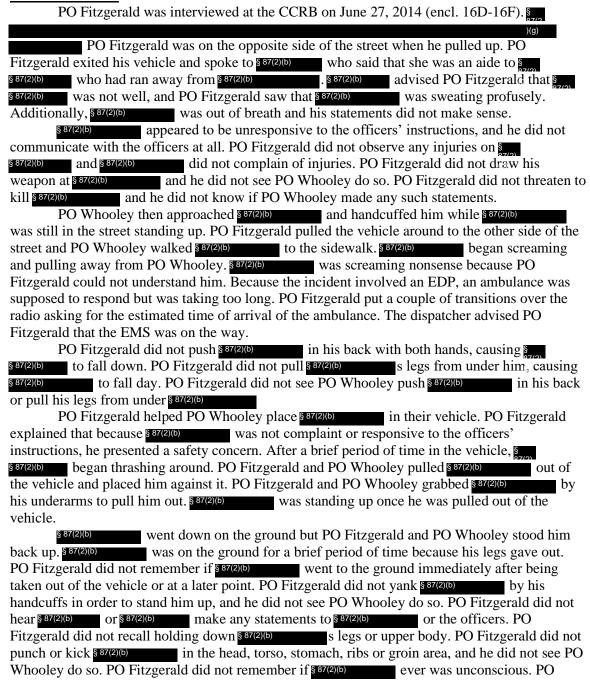
- PO Thomas Fitzgerald is a \$87(2)(b) -old white male, 5'10" tall, 180 pounds, with black hair and green eyes.
- PO Fitzgerald is assigned to the 105th Precinct. On August 12, 2013, PO Fitzgerald

Page 12 CCRB Case # 201307968 worked in uniform from 11:15 p.m. to 7:50 a.m. with PO Michael Whooley. The officers were assigned to patrol Sector E/F in marked RMP 4421.

Memo Book Entries

PO Fitzgerald recorded in his memo book that at 12:00 a.m., he responded to an EDP in the vicinity of Rockaway Boulevard and Guy R. Brewer Boulevard. At 1:05 a.m., PO Fitzgerald noted that the patient was removed to [87(2)(5)] (encl. 16A-16C).

CCRB Statement



Fitzgerald did not strike \$87(2)(b) with his weapon, and he did not see PO Whooley do so. PO Fitzgerald did not remember if §87(2)(b) kicked his legs. An ambulance with EMT §87(2)(b) and EMT §87(2)(b) as well as Sgt. Limage and PO Noll arrived. PO Fitzgerald did not remember if any other EMS personnel responded. §87(2)(6) was placed on the stretcher and taken inside the ambulance. PO Fitzgerald did not have any difficulties placing \$87(2)(b) on the stretcher. \$87(2)(b) did not kick PO Fitzgerald, and PO Fitzgerald did not hear any officer say that he was kicked. PO Fitzgerald did not stomp on the s legs, and he did not see any officer do so. PO Fitzgerald did not strike along his spine or neck, and he did not see any officer do so. PO Fitzgerald did not "You are a piece of shit," and he did not hear any officer make that statement. PO Fitzgerald asked \$37(2) to meet them at the hospital but did not remember if she responded. § 87(2)(b) was strapped to the stretcher with Velcro by the EMTs. PO Fitzgerald did not see any struggle in the ambulance and said he was not in the ambulance for too long. PO Fitzgerald denied punching § 87(2)(b) in the ambulance, and he did not see any officer do so. PO Fitzgerald did not see § 87(2)(b) get a nose bleed in the ambulance, and he did not see display seizure like activity. PO Fitzgerald did not take any action that would cause § 87(2)(b) s nose to bleed, and he did not see any officer take such action. PO Fitzgerald did not know if Sgt. Limage or PO Noll had any physical contact with \$87(2)(b) Because PO Fitzgerald was the operator, he followed the ambulance to §87(2)(b) PO Whooley accompanied § 87(2)(b) to the hospital inside the ambulance. PO Fitzgerald did not use any additional force against § 87(2)(6) besides what he described, and he did not see any officer do so. PO Fitzgerald did not use any profanity during this incident, and he did not hear any officer do so.

Witness Officer: SGT. JENNIFER LIMAGE

- Sgt. Jennifer Limage is a [87(2)(0)] -old white female, 5'7" tall, 135 pounds, with brown hair and brown eyes.
- Sgt. Limage is assigned to the 105th Precinct. On August 12, 2013, Sgt. Limage worked in uniform from 11:05 p.m. to 8:02 a.m. with PO Christopher Noll. Sgt. Limage was a patrol supervisor and was assigned to a marked RMP 4635.

Memo Book Entries

Sgt. Limage recorded in her memo book that on August 12, 2013, at 12:10 a.m., she responded to a report of an EDP at Guy R. Brewer Boulevard and Rockaway Boulevard. At 12:30 a.m., Sgt. Limage resumed patrol because the EDP was handled by the officers assigned to the 105th Precinct, Sector E. (encl. 17A-17C).

CCRB Statement

Sgt. Limage was interviewed at the CCRB on August 5, 2014 (encl. 17D-17E).

On August 12, 2013, at approximately 12:10 a.m., Sgt. Limage was at the 105th Precinct stationhouse, when she heard over the radio that there was a motor vehicle accident in the vicinity of Rockaway Boulevard and Brooklville Boulevard, in Queens. Sgt. Limage looked in the computer and saw in the description of the incident that someone had jumped in front of a bus, and a there were a few calls placed in regards in the same area. PO Whooley and PO Fitzgerald were assigned to handle the job. Sgt. Limage called PO Whooley and PO Fitzgerald on their cell phone to see if the person who was hit by the bus was likely to die and whether they needed her to respond. PO Whooley and PO Fitzgerald informed Sgt. Limage that they were dealing with an EDP, \$37(2)(6)

Sgt. Limage realized that the incident PO Whooley and PO Fitzgerald responded was

Page 14 CCRB Case # 201307968 different from the one where a pedestrian jumped in front of a bus. Sgt. Limage got in a patrol car with PO Noll and responded to the incident with \$87(2)(b) which was in the vicinity of Rockaway Boulevard and Guy R. Brewer Boulevard.

Upon arrival, Sgt. Limage saw one of the officers, she did not remember which one, sitting in his vehicle. The CCRB investigation determined that PO Fitzgerald was in the vehicle and PO Whooley was in the ambulance with \$87(2)(6) The ambulance with

PO Fitzgerald did not tell Sgt. Limage how he and PO Whooley restrained 87(2)(b) and no one complained of injuries to Sgt. Limage. PO Fitzgerald did not say whether 87(2)(b) sustained injuries. Neither Sgt. Limage nor PO Noll had any physical contact with 87(2)(b) Sgt. Limage did not draw her weapon at the scene, and PO Fitzgerald did not inform Sgt. Limage whether he did so.

Sgt. Limage did not remember if there were any civilians at the scene. Sgt. Limage did not hear scream inside the ambulance. Sgt. Limage did not speak to the EMTs. Sgt. Limage was not informed whether street were any civilians at the scene. Sgt. Limage did not speak to the EMTs. Sgt. Limage was not informed whether street were any civilians at the scene. Sgt. Limage did not speak to the EMTs.

Witness Officer: PO CHRISTOPHER NOLL

- PO Christopher Noll is a \$87(2)(b) -old white male, 6'0" tall, 190 pounds, with brown hair and hazel eyes.
- PO Noll is assigned to the 105th Precinct. On August 12, 2014, PO Noll worked in uniform from 11:15 p.m. to 7:50 a.m. with Sgt. Jennifer Limage. PO Noll was assigned as the sergeant's operator, and worked in a marked RMP 4635.

Memo Book Entries

PO Noll recorded in his memo book that on August 12, 2013, at 12:10 a.m., he responded to a report of an EDP at Guy R. Brewer Boulevard and Rockaway Boulevard. At 12:30 a.m., PO Noll arrived at a motor vehicle accident scene at Rockaway Boulevard and Brookville Boulevard where a pedestrian had been struck. (encl. 18A-18C).

CCRB Statement

PO Noll was interviewed at the CCRB on August 5, 2014 (encl. 18D-18E). \$87(2)(9)

PO Noll did not hear \$87(2)(6) scream in the ambulance. Neither PO Fitzgerald nor PO Whooley told PO Noll whether they got into a physical altercation with \$87(2)(6) or how they placed \$87(2)(6) in custody. PO Fitzgerald and PO Whooley did not appear disheveled or have any injuries. PO Noll did not see any blood on PO Fitzgerald or PO Whooley. Neither PO Fitzgerald nor PO Whooley said that they had to draw their gun or struck \$37(2)(6) with it. PO Noll did not have any physical contact with \$87(2)(6) and he never exited his vehicle. Sgt. Limage did not have any physical contact with \$87(2)(6) and she did not draw her gun. PO Noll did not see PO Fitzgerald, PO Whooley or Sgt. Lamont take any police action at the scene. PO Noll and Sgt. Limage did not speak to any of the EMTs.

Medical Records

Prehospital Care Report Summary

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EMT [87(2)(0)] prepared a Prehospital Care Report Summary, in which she noted that she
was dispatched to a reported drug or alcohol abuse.
Upon arrival the patient, known to the CCRB as \$87(2)(b) was in
handcuffs and throwing himself around as the officers, who were identified by the CCRB
investigation as PO Michael Whooley and PO Thomas Fitzgerald from the 105th Precinct, brought
him to the ambulance. §87(2)(b) was fighting and shouting. A female, known to the CCRB
as \$87(2)(b) told the EMTs that she worked for \$87(2)(b) from which \$
had escaped. \$87(2)(b) however, did not have any information on \$87(2)(b)
PO Whooley and PO Fitzgerald stated that they found § 87(2)(b) attempting to fight
with a bystander, known to the CCRB as \$87(2)(b) had stated that \$37(2)
was walking down the street trying to throw himself in front of cars.
yelled at PO Whooley and PO Fitzgerald while in handcuffs. PO Whooley
and PO Fitzgerald placed \$87(2)(b) on the stretcher in the ambulance, where \$87(2)(b)
began to rapidly breathe and showed seizure like activity with grunting and tonic-clonic
movement. §87(2)(b) had blood around the nose and spitting blood that was coming from his
nose. §87(2)(b) then calmed down and did not respond to voice and showed focal stare
seizure like activity. Blood pressure was not obtained due to §87(2)(b) being in handcuffs.
PO Whooley was on scene throughout the incident. (see Medical Records Folder).
Medical Records
On \$87(2)(b) was brought to \$87(2)(b) via FDNY ambulance. \$87(2)(b) was administered to the Emergency Department at approximately
ambulance. § 87(2)(b) was administered to the Emergency Department at approximately
. In the Arrival Information it was noted that \$87(2)(6) was "found walking on the
street by police officer as per report." \$87(2)(b) examined \$87(2)(b) and noted
that he was accompanied by a police officer with shield number 15621 from the 105th Precinct.
had dry blood on the left side of his nose and a skin abrasion to the left knee.
was assessed with altered mental status, PTSD and facial trauma and was endorsed to
trauma team. § 87(2)(b) was intubated. On § 87(2)(b) , Computer Tomography (CT)
scan was done with no acute traumatic findings to the head, spine and stomach. However, a
mediastinal (chest) hematoma was revealed during the CT scan.
noted that as per EMS, \$87(2)(b) was in handcuffs when they arrived. \$87(2)(b) was throwing himself around when the police brought him to the ambulance. \$87(2)(b) was fighting with the officers and shouting. A
was throwing nimsen around when the police
female on scene, known to the CCRB as \$87(2)(6) stated that she worked for the psychiatric
facility that \$87(2)(b) escaped from. \$87(2)(b) did not have any information on \$1.00
ser(2)(6) and only stated that she was from the psychiatric facility. The officers stated that they
found § 87(2)(b) attempting to fight with a bystander. The bystander stated that §
was walking down the street and trying to throw himself in front of cars. §87(2)(6)
was brought to the hospital as "unknown" and in handcuffs. §87(2)(b) was screaming and
yelling at the officers. §87(2)(b) began to breathe rapidly and showed signs of seizure like
activity with grunting and tonic clonic movement. [857(2)(0)] had blood around his nose and
had blood coming from his nose. \$87(2)(b) then calmed down and did not respond to voice
and showed focal stare. His seizure like activity lasted approximately three minutes.
§ 87(2)(b)

§ 87(2)(b)
NYPD Documents
Event No. \$ 87(2)(b)

On August 11, 2013, a male caller, who identified himself as \$87(2)(0) known to the CCRB as \$87(2)(0) call back number \$87(2)(0) called to report a dark-skinned, 6'0" tall black male in a white t-shirt, shite shorts and short hair. \$87(2)(0) reported that the male was walking against traffic near the five towns shopping area, in the vicinity of Rockaway Boulevard and Guy R. Brewer Boulevard. \$87(2)(0) said that the male was possibly intoxicated and that he was walking between lanes.

Another caller, who identified himself as \$87(2)(b) known to the CCRB as \$87(2)(b) call back number \$87(2)(b) , called 911 to report a male walking east bound on a highway. \$87(2)(b) described the male as 5'9" tall black male, wearing white shorts.

The central dispatcher did not have any highway units available and dispatched officers assigned to the 113th Precinct, Sector A. The officers assigned to Sector A said that the incident was within the confines of the 105th Precinct.

A female caller, who identified herself as Orlee, known to the CCRB as \$87(2)(b) call back number \$87(2)(b) called to report that about two minutes ago a black male kept walking onto the street was almost hit by car.

Another caller, who identified himself as \$87(2)(6) known to the CCRB as \$87(2)(6) call back number \$87(2)(6) called 911 to report that at Rockaway Boulevard and Guy R. Brewer Boulevard, a male was trying to commit suicide by running into vehicles. The male is about 15 to 17 years old, wearing a white t-shirt and white pants. The male is aggressive and is from a mental ward as per employee from the facility. There were no weapons involved.

The officers assigned to the 105th Precinct, Sector E, responded to the location and asked to rush the ambulance. The officers assigned to Sector E said that the male was violent and needed to be transported to a hospital. (encl. 19a-19J).

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Other Evidence
On October 30, 2013, a search of Google Maps disclosed that it would take
approximately eighteen minutes by car to travel from \$87(2)(b), which is the address to
s facility, to the intersection of Rockaway Boulevard and Guy R. Brewer
Boulevard (encl. 3A).
Status of Civil Proceedings
• A Notice of Claim request is pending with the Comptroller's Office (encl. 23E).
Civilian Criminal History

Civilians CCRB History

• This is the first CCRB complaint in which \$87(2)(b) is a victim (encl. 2C).

Subject Officers CCRB History

- PO Fitzgerald has been a member of the service for seven years and there are no substantiated CCRB allegations against him. PO Fitzgerald has no prior CCRB complaints. (encl. 2B).
- PO Whooley has been a member of the service for seven years and there are no substantiated CCRB allegations against him. PO Whooley has a history of complaints with the CCRB. (encl. 2A).

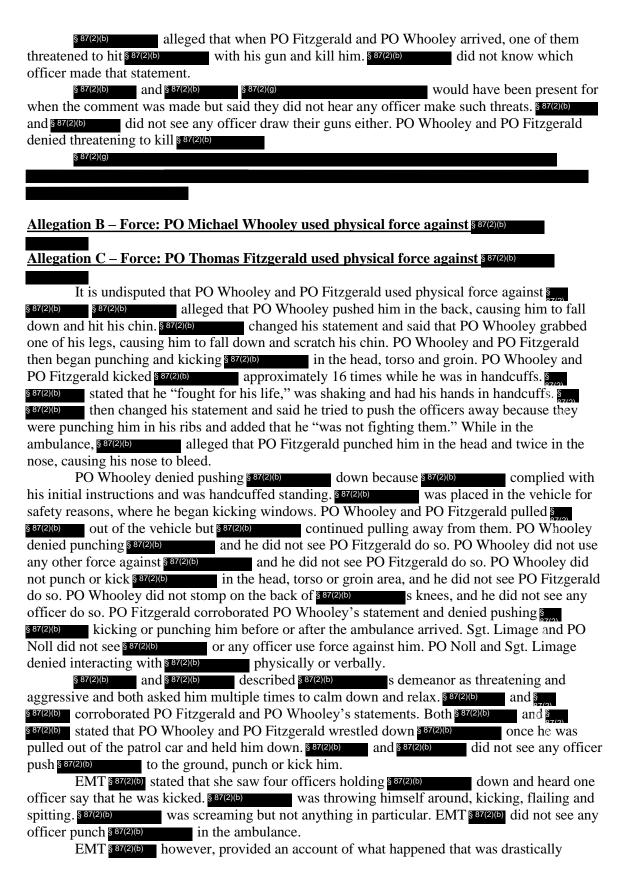
Conclusion

Identification of Subject Officers stated that two officers who first responded to the scene, punched and kicked him. PO Thomas Fitzgerald and PO Michael Whooley acknowledged responding to the scene first and the Event for the incident confirmed that. seene first and the Event for the incident confirmed that. seene first and the Event for the incident confirmed that. seene first and the Event for the incident confirmed that. seene first and the Event for the incident confirmed that. seene first and the Event for the incident confirmed that. seene first and the Event for the incident confirmed that. seene first and the Event for the incident confirmed that. seene first and the Event for the incident confirmed that. seene first and the Event for the incident confirmed that. seene first and the Event for the first responding officers threatened to kill him. seele first and the Event for the first responding officers threatened to kill him. seele first and the Event for the first responding officers threatened to kill him. seele first and the Event for the first responding officers threatened to kill him. seele first and the Event for the first responding officers threatened to kill him. seele first and the Event for the scene first and the seele first a

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Allegation A – Abuse of Authority: An officer threatened §87(2)(b)

of force.



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	was placed on the stretch	ficers stomp on the back of story the officers hammered story
	t Summary noted that § 87(2)(b)	was throwing himself
around, was fighting and shouting. Useizure like activity. §87(2)(b) skin abrasion to left knee. A CT scar	s medical records noted dry l	blood on left side of his nose and
and stomach. However, a mediastina		
P.G. 203-11 directs officers	to use the minimum amount	of force necessary to overcome
resistance when making an arrest or 1B).		
§ 87(2)(g)		
Allegation D – Force: PO Michael	Whooley struck § 87(2)(b) PO Whooley struck him in th	with a gun. he head with his gun
approximately three times, causing PO Whooley denied striking	87(2)(b) to lose conscio	
PO Whooley's statement.		did not see any officer strike
with a gun on his head. 88 his head, and he did not complain of	s medical recor	ds do not indicate any injuries to
§ 87(2)(g)		
Team: 4		
Investigator:	Stanislav A. Sazonov	<u>09/10/2014</u>
Signature	Print	Date
Supervisor: Title/Signature	Print	Date
Reviewer:		
Title/Signature	Print Page 20	Date

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Reviewer:			
	Title/Signature	Print	Date